

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: July 20, 2005

Division: Growth Management

Bulk Item: Yes      No X

Department: Planning Department

Staff Contact Person: K. Marlene Conaway

---

**AGENDA ITEM WORDING:** Public hearing on the request by R&S of Key West, Inc. to amend the land use district (zoning) map from Urban Residential Mobile Home (URM) to Mixed Use (MU).

---

**ITEM BACKGROUND:** R&S of Key West, Inc. is requesting an amendment to the land use designation from Urban Residential Mobil Home (URM) to Mixed Use (MU) for the purpose of complying with the Future Land Use Map to permit site improvements and potential redevelopment of the property. Because of the location of the project this item was postponed until the July 20, 2005, and re-advertised for the BOCC meeting in Key West.

---

**PREVIOUS REVELANT BOCC ACTION:** In 1993 two lots (RE# 00124410.000000 and 00124400.000000) were designated Mixed Use (MU) from Urban Residential Mobile Home (URM). Although not part of the applicant's request these lots are between the subject properties.

---

**CONTRACT/AGREEMENT CHANGES:** N/A

---

**STAFF RECOMMENDATIONS:** Approval

---

**TOTAL COST:** N/A      **BUDGETED:** Yes N/A No     

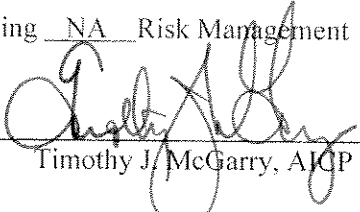
---

**COST TO COUNTY:** N/A

**REVENUE PRODUCING:** Yes N/A No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing NA Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

  
\_\_\_\_\_  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X

Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**

**MONROE COUNTY LAND USE DISTRICT AMENDMENT**

**FROM URBAN RESIDENTIAL MOBILE HOME**

**TO MIXED USE**

**R&S OF KEY WEST, INC.**

**BOARD OF COUNTY COMMISSIONERS  
KEY WEST  
JULY 20, 2005**

**MONROE COUNTY LAND USE DISTRICT AMENDMENT**

**FROM URBAN RESIDENTIAL MOBILE HOME**

**TO MIXED USE**

**A REQUEST BY R&S OF KEY WEST, INC., TO AMEND THE LAND USE  
DISTRICT MAP**

**RECOMMENDATIONS**

Staff: **Approval**  
DRC: **Approval**  
PC: **Approval**

April 17, 2005  
April 18, 2005  
May 11, 2005

Staff Report  
Resolution #D -05  
Resolution #P -05

## **DRAFT BOCC ORDINANCE**

**ORDINANCE NO. 2005**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST OF R&S OF KEY WEST, INC. FOR A LAND USE DESIGNATION AMENDMENT FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO MIXED USE (MU) FOR THE PROPERTY KNOWN AS THE GOMEZ TRAILER PARK, MALONEY SUBDIVISION, PB 1-55, lots 1,2,3,9,12,13-16, 19, 20, SECTION 35, TOWNSHIP 67, RANGE 25, STOCK ISLAND, FLORIDA, HAVING REAL ESTATE NUMBERS: 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, AND 00124530.000000 AT APPROXIMATE MILE MARKER 5; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

---

**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on July 20, 2005, conducted a review and consideration of the request filed by R&S of Key West, Inc. to amend the zoning map from Urban Residential Mobile Home (URM) to Mixed Use (MU) land use district for the property known as the Gomez Trailer Park. The property is legally described as Maloney Subdivision, PB 1-55, lots 1,2,3,9,12,13-16, 19, 20, Section 35, Township 67, Range 25, Stock Island, Florida, having real estate numbers: 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, and 00124530.000000 at approximate Mile Marker 5.; and

**WHEREAS**, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

**WHEREAS**, the Planning Commission held a public hearing in Marathon on May 11, 2005. Based on the facts presented at the meeting, the Planning Commission recommended approval of the rezoning as indicated in the Resolution P0 -05; and

**WHEREAS**, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. **Section 9.5-511(d)(5)b** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d)(5)b.(v) of the Monroe County Code). The application was initiated by the applicant's agent in order to rezone the subject property to a land use district that represents the historic use of the property and corresponds with the Future Land Use Map designation.
3. Pre-1986 zoning of the subject properties was **Medium Commercial (BU-2F)**.

4. During the 1986 Comprehensive Plan process, the land use (zoning) district of the subject properties was changed to **Urban Residential Mobile Home (URM)** pursuant to Ordinance 33-1986 dated February 28, 1986.
5. **Section 9.5-219 states that the purpose of the Mixed Use District (MU)** is to establish or conserve areas of mixed uses including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these areas representative of the character, economy and cultural history of the Florida Keys.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that areas around the Gomez Trailer Park received a Future Land Use Map (FLUM) designation of **Mixed Use Commercial (MC)**, not consistent with their current land use designation. However, the proposed land use designation of Mixed Use (MU) would be consistent with the FLUM designation.
7. Based on **Policy 101.4.5** of the Comprehensive Plan, the principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office uses may be permitted at intensities which are consistent with the community character and the natural environment. This land use category is also intended to allow the establishment of mixed-use development patterns, where appropriate.
8. The Mixed Use Commercial (MC) Future Land Use category corresponds with the proposed Mixed Use (MU) land use district.
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
10. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
11. The **2004 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
12. The proposed map amendment supports **Goal 102** as it proposes no additional density or intensity on the site. There will be no additional impact on environmentally sensitive lands.
13. The site is not located under the flight path of the Boca Chica Naval Air Station and not affected by the current or proposed AICUZ Overlay.
14. Based on **Chapter 380.031** of the Florida Statutes, the definition of "Development Permit" includes zoning permit and rezoning. Therefore, a zoning change should support and implement the Land Development Regulations.

15. Based on **Chapters 163.3201** of the Florida Statutes, Land Development Regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
16. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
17. The community character of the neighborhood is primarily Mixed Use (MU) designated properties. Some of the residential properties are Urban Residential Mobile Home with a mixture of mobile homes and RV's. The Land Use Map designations for the surrounding area include Natural Area (NA) adjoining on the South end of the property, MU to the East and North, and MU and NA to West.

**WHEREAS**, the Board of County Commissioners made the following **Conclusions of Law**:

1. The Monroe County Planning Commission recommendation of approval to the BOCC is based on the consistency of the proposal with applicable Land Development Regulations and the overall intent of the Comprehensive Plan.
2. The applicant has sufficiently proven that the requested map amendment would be consistent with the overall intent of the Year 2010 Comprehensive Plan.
3. The proposed map amendment does meet the requirements outlined in Section 9.5-511 of the Land Development Regulations and will not negatively impact and alter the character of the surrounding community.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described properties shall be rezoned to Mixed Use (MU), which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until approved by the Department of Community Affairs or Administration Commission.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2005.

Mayor Dixie Spehar \_\_\_\_\_  
Mayor Pro Tem Charles "Sonny" McCoy \_\_\_\_\_  
Commissioner Murray Nelson \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner David Rice \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor/Chairperson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

**MONROE COUNTY ATTORNEY**  
APPROVED AS TO FORM  
*Kemp L. Willis*  
Date: 6.30.05

\_\_\_\_\_  
DEPUTY CLERK



### Proposed Land Use District Map Amendment: Street Map

Key: Stock Island

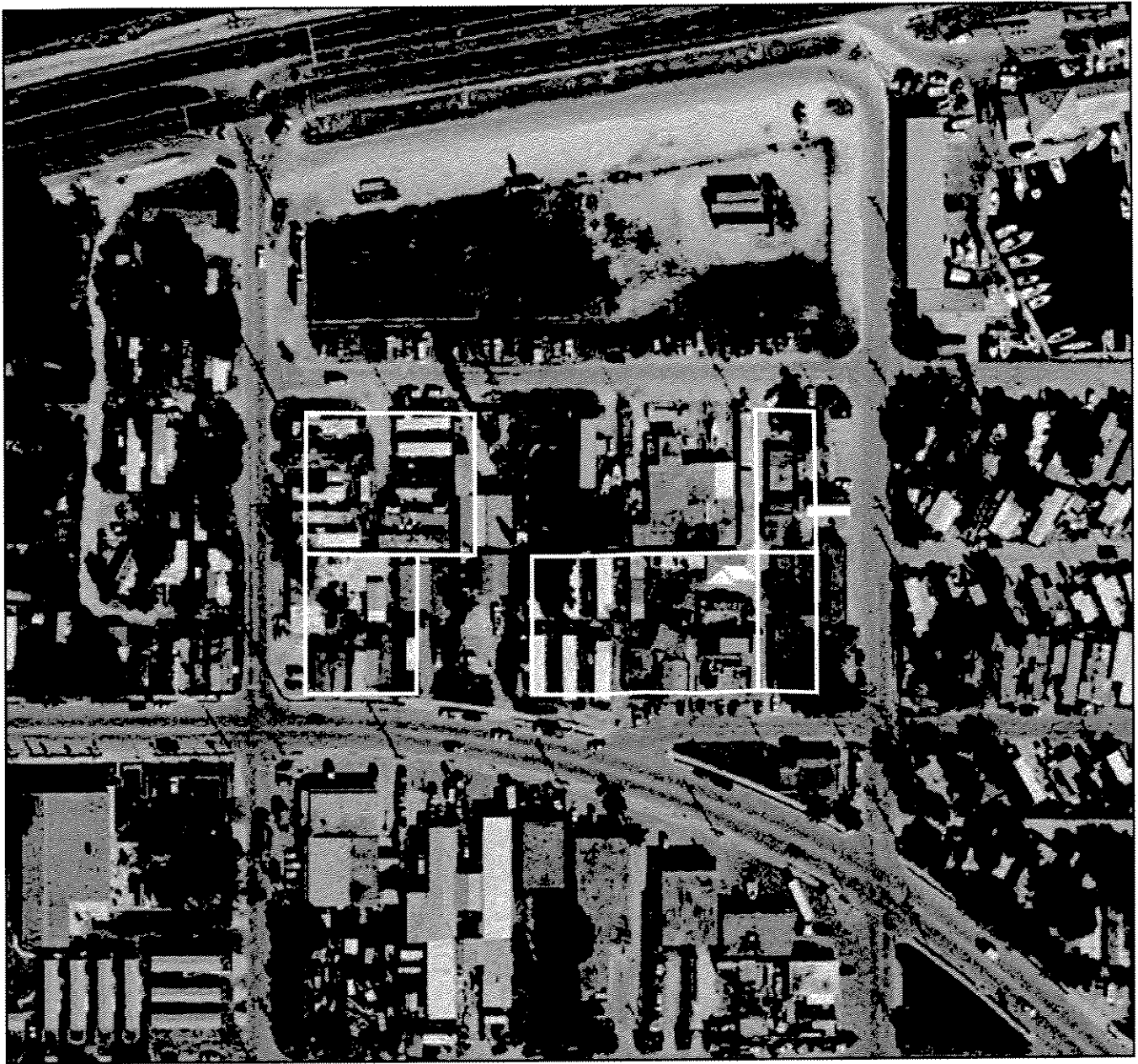
Mile Marker: 5

Proposal: Change Land Use District from Urban Residential Mobile Home District (URM) to Mixed Use District (MU).

Property Description: RE 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, and 00124530.000000

Map Amendment: M25069

Land Use District Map #: 476



# **Proposed Land Use District Map Amendment: Aerial**

Key: Stock Island

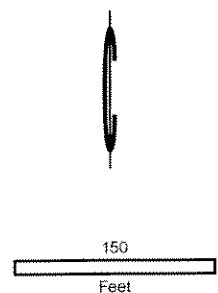
Mile Marker: 5

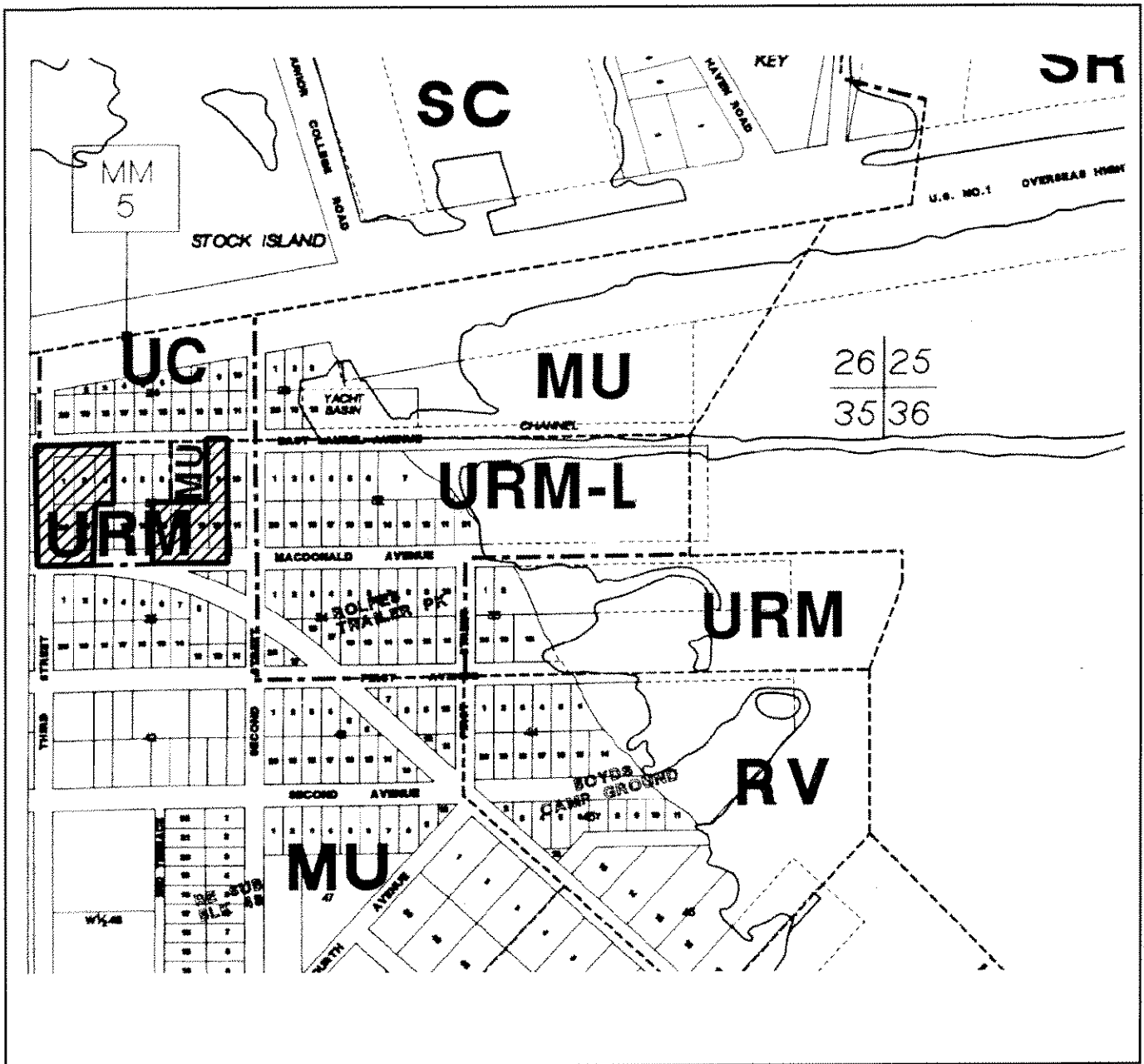
Proposal: Change Land Use District from Urban Residential Mobile Home District (URM) to Mixed Use District (MU).

Property Description: RE 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, and 00124530.000000

Map Amendment: M25069

Land Use District Map #: 476





The Monroe County Land Use Map is proposed to be amended  
as indicated above and briefly described as:

Key: Stock Island

Mile Marker: 5

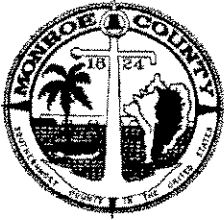
Proposal: Change Land Use District from Urban Residential Mobile Home  
District (URM) to Mixed Use District (MU).

Property Description: RE 00124350.000000, 00124430.000000,  
00124460.000000, 00124470.000000, and 00124530.000000

Map Amendment: M25069

Land Use District Map #: 476

## **BOCC STAFF REPORT**



## MEMORANDUM

**TO:** Board of County Commissioners  
**FROM:** K. Marlene Conaway, Director of Planning  
**RE:** R&S of Key West, Inc.  
**Date:** May 12, 2005

---

**MEETING DATE:** July 20, 2005

**EXISTING FUTURE LAND USE DESIGNATION:** Mixed Use Commercial (MC)

**EXISTING ZONING DESIGNATION:** Urban Residential Mobile-Home (URM)

**PROPOSED ZONING DESIGNATIONS:** Mixed Use (MU)

**PROPERTY OWNER:** R&S of Key West, Inc.

**AGENT:** Feldman Koenig & Highsmith  
Represented by Timothy J. Koenig

### PROPERTY INFORMATION

**Key:** Stock Island

**Size:** 57,500 Square Feet (1.3 Acres)

**Mile Marker:** MM 5 of U.S. Highway No. 1

### **Location Detail & Brief Description:**

The property commonly known as the Gomez Trailer Park is located on Stock Island between Third Street to the West and Second Street to the East, East Laurel Avenue to the North and MacDonald Avenue to the South on Stock Island, Florida. The property has public roads on all sides which allow local traffic adequate access to US HWY 1. The property is legally described as Maloney Subdivision, PB 1-55, lots 1,2,3,9,12,13-16, 19, 20, Section 35, Township 67, Range 25, Stock Island, Florida, having real estate numbers: 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, and 00124530.000000 at approximate Mile Marker 5.

**Existing Use:**

The property known as the Gomez Trailer Park contains a mixture of URM and MU lots; the subject properties are URM exclusively. The parcels contain lots 7, 8, 10 and 11 which are designated MU and lots 1 through 6, 9, and lots 12 through 20 are designated as URM. The MU boundary was extended to include lots 7, 8, 10 and 11 of Block 31 through a land use map amendment approved via Board of County Commission Resolution Number 783-1989, dated December 13, 1989.

Along with the residential use, there are three (3) commercial structures having an NROGO exempt floor area of 7,937 square feet as determined by the Staff's Letter of Understanding (LOU) dated November 10, 2004.

- Lots 19 and 20, RE# 00124530.000000 have **two** (2) commercial structures with 5,183 square feet of commercial space.
- Lots 13-16, RE# 00124470.000000 has 2,754 square feet of commercial space in **one** (1) structure used for commercial purposes.

The LOU also identified 19 residential units; however, at the time the pre-application meeting was held on October 28, 2004 lots 1-3 of RE# 00124359.000000 were not included. Review of the property records cards indicates that there are possibly 11 residential units, giving a potential total of 30 residential units. Since these units were not included at the pre-application meeting, lawful establishment of the units can not be determined. However, since this is a rezoning and no redevelopment is proposed by the applicant at this time Staff does not feel that determination of lawful establishment of these units is necessary. If the applicant proposes redevelopment in the future, lawful establishment will be required.

As stated by the LOU the earliest record of the property in use dates back to 1948 where a one story structure adjacent to RE# 00124350.000000 was constructed and used for a warehouse, health clinic, and a Cuban Refugee center. Although this structure still possesses a commercial component, a portion was converted into two (2) dwelling units.

The property has been in a state of evolution since that point with many replacements of trailers throughout the Park's history. The rezoning will allow the existing use to continue and will make the parcels conforming to the FLUM which creates a potential for future development and redevelopment of the site.

**Existing Habitat:**

The subject parcels are currently developed with little native vegetation.

The lots fall predominately within the AE 9 flood zone per FIRM panel 1798.

**Land Use and Habitat on the 1985 Existing Conditions Aerials:**

Sheet 15 of the 1985 Existing Conditions Aerials show the habitat code to be 740, which indicates that the site is disturbed.

**Neighboring Land Uses and Character:**

The Mixed Use/Commercial (MC) FLUM designation applies to most of the properties in the area. The property's land use designation is in conflict with the FLUM and prevents them from making improvements to the property.

**ZONING AND LAND USE HISTORY****Pre-1986 Zoning:**

The pre-1986 zoning designates the property as Medium Commercial with a beer and wine designation (BU2F). The BU2 District is intended to provide areas suitably situated for centers of commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage; the "F" designation delineates the use of beer and wine.

**Considerations During the 1986 Comprehensive Plan Process:**

In September 1986, when the Comprehensive Plan came into effect and the subject properties, as well as properties in the surrounding area were designated either Urban Residential Mobile Home District (URM) or Mixed Use (MU) (Ordinance # 33-1986 dated Feb 28, 1986); the subject property was designated **Urban Residential Mobile Home District (URM)**. This designation continued unchanged until 1993 when two lots (RE# 00124410.000000 and 00124400.000000) were designated Mixed Use (MU). Although not part of the applicant's request these lots are between the subject properties.

The URM designation provides an environment of residential character, designed to enhance living conditions and permitting only those uses, activities, and services which were compatible with the surrounding residential environment.

**Considerations During the 2010 Comprehensive Plan Process:**

During the 2010 Comprehensive Plan process, the Future Land Use MAP (FLUM) categories were introduced. The FLUM designation for the area was, and remains Mixed Use Commercial (MC) which does not support the residential nature of URM zoning. Therefore the applicant is requesting to change the land use district to Mixed Use (MU) which will comply with the (MC) FLUM.

**Changes to Boundary Considerations Since 1986:**

No recorded boundary changes were found for the subject properties.

**ANALYSIS AND RATIONALE FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b):**

**Changed Projections or Assumptions:** None.

**Data Errors:** None.

**New Issues:** None.

## **Recognition of a Need for Additional Detail or Comprehensiveness:**

**Objective 101.8** of the Monroe County Year 2010 Comprehensive Plan states that Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the Land Development Regulations and the Future Land Use map.

In this map amendment, assumption is made that because the FLUM corresponds with the existing use of the property, there is a need to bring the Land Use District Map designation into conformity with the FLUM.

Based on **Chapter 163.3177(6)(a)** of the Florida Statutes, Future Land Use Map illustrates the proposed distribution, location, and extent of various categories of land uses in a future land use plan. The future land use plan is just one of the several elements of Comprehensive Plan. It designates proposed future **general** distribution, location, and extent of the uses of land for different type of uses.

## **IMPACT AND POLICY ANALYSIS**

### **Comparison of Development Potential for the Current and Proposed Land Uses:**

#### ***1. Current Land Development Regulations (LDR's)***

**Section 9.5-205** states that the purpose of the Urban Residential Mobile Home District (URM) is to establish mobile home parks and subdivisions, but not to create new such areas, and to provide such areas to serve as a reservoir of affordable and moderate-cost housing in Monroe County.

Uses permitted *as-of-right* include:

- Mobile homes;
- Detached residential dwellings;
- Recreational vehicles as provided in F.S., ch. 513;
- Home occupations – Special use permit required;
- Accessory uses;
- Tourist housing uses, including vacation rental uses, are prohibited except in gated communities which have (a) controlled access and (b) a homeowner's or property owner's association that expressly regulates or manages vacation rental uses;
- Collocations on existing antenna-supporting structures, pursuant to article VII, division 16, section 9.5-434.5(c) "Collocations on an existing antenna-supporting structure";
- Satellite earth stations less than two (2) meters in diameter, as accessory uses, pursuant VII, division 16 9.5-434.5(f) "Satellite earth stations";
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences.

Uses permitted as *minor conditional uses* include:

- Replacement of an existing antenna-supporting structure pursuant to article VII, division 16, section 9.5-434.5(b) "Replacement of an existing antenna-supporting structure";
- Stealth wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(e) "Stealth wireless communications facilities";
- Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations."

Uses permitted as *major conditional uses* include:

- Marinas;
- Commercial retail of low- and medium-intensity and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area;
- Parks and community parks;
- Land use overlays A, E, PF, subject to provisions of section 9.5-257.

## ***2. Potential Land Uses With Proposed Map Amendment***

**Section 9.5-219 states that the purpose of the Mixed Use District (MU)** is to establish or conserve areas of mixed uses, including commercial fishing ,resorts, residential, institutional and commercial uses, and preserve these areas representative of the character, economy and cultural history of the Florida Keys.

Uses permitted *as-of-right* include:

- Detached residential dwellings;
- Commercial retail, low- and medium-intensity and office uses, or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area;
- Institutional residential uses, involving less than ten (10) dwelling units or rooms;
- Commercial apartments involving less than six (6) dwelling units, but, tourist housing use, including vacation rental use, of commercial apartments is prohibited;
- Commercial recreational uses;
- Home occupations--Special use permit required;
- Community parks;
- Accessory uses;
- Vacation rental use of detached dwelling units is permitted if a special vacation rental permit is obtained under the regulations established in Code section 9.5-534;
- Replacement of an existing antenna-supporting structure pursuant to article VII, division 16, section 434.5(b) "Replacement of an existing antenna-supporting structure";
- Collocations on existing antenna-supporting structures, pursuant to article VII, division 16, section 9.5-434.5(c) "Collocations on an existing antenna-supporting structure";
- Attached wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(d) "Attached wireless communications facilities";
- Stealth wireless communications facilities, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(e) "Stealth wireless communications facilities";

- Satellite earth stations less than two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations";
- Attached and unattached residential dwellings involving less than six (6) units, designated as employee housing as provided for in section 9.5-266;
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences.

Uses permitted as *minor conditional uses* include:

- Attached residential dwelling units;
- Commercial recreational uses;
- Commercial retail, low- and medium-intensity and office uses or any combination thereof of greater than twenty-five hundred (2,500) but less than ten thousand (10,000) square feet of floor area;
- Commercial retail, high-intensity uses, and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area;
- Commercial apartments involving six (6) to eighteen (18) dwelling units;
- Institutional residential uses involving ten (10) or more dwelling units or rooms;
- Hotels of fewer than fifty (50) rooms;
- Campgrounds;
- Light industrial uses, provided that;
- Parks and community parks;
- Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations";
- Attached and unattached residential dwellings involving six (6) to eighteen (18) units, designated as employee housing as provided for in section 9.5-266.

Uses permitted as *major conditional uses* include:

- Commercial retail, low- and medium-intensity uses, and office uses or any combination thereof of greater than ten thousand (10,000) square feet in floor area;
- Commercial retail, high-intensity uses, and office uses or any combination thereof of greater than twenty-five hundred (2,500) square feet in floor area;
- Attached residential dwelling units;
- Marinas;
- Hotels providing fifty (50) or more rooms;
- Heliports or seaplane ports;
- Light industrial uses;
- Boat building or repair in conjunction with a marina or commercial fishing use;
- Mariculture;
- New antenna-supporting structures, pursuant to article VII, division 16, section 9.5-434.5(a) "New antenna-supporting structures";
- Land use overlays A, E, PF, subject to provisions of section 9.5-257;
- Attached and unattached residential dwellings involving more than eighteen (18) units, designated as employee housing as provided for in section 9.5-266;

- Wastewater treatment facilities and wastewater treatment collection system(s) serving (a) use(s) located in any land use district.

The FLUM Category that corresponds with the Mixed Use district is **Mixed Use/Commercial (MC)**.

#### **Compatibility With Adjacent Land Uses and Effects on Community Character:**

**Section 9.5-511** prohibits any map amendments that would negatively impact community character. The community character of the neighborhood is mixed use with residential with and commercial. The map amendment will not have a negative impact on the community character.

#### ***Density and Intensity***

The subject property is 1.3 acres (57,500 sq. ft.) in size. Staff has determined that there are 19 legally established dwelling units and 7,937 square feet of lawful commercial floor area. The applicant has submitted with this application the addition of RE# 00124350.000000 in which the lawful establishment of dwelling units have not been determined; however there are 11 units on site.

The maximum number of dwelling units (DU) permitted in the Mixed Use (MU) District is as follows:

##### **Section 9.5-262**

<b>LAND USE DISTRICT</b>	<b>Allocated Density (DU/Acre)</b>	<b>Maximum net Density DU/Buildable Area</b>
Mixed Use (MU)	1	12
Affordable housing	1	18
Employee housing	1	18

However, pursuant to Section 9.5-269 lawfully established dwelling units will be carried forward and applied to the redevelopment which may allow a higher density than indicated in the table above.

The applicant is not proposing any change to the existing number of dwelling units or commercial floor area in the application.

#### **AICUZ Overlay**

1. Section 9.5-260 identifies the flight path of the nearby Boca Chica Naval Air Station and states that privately owned properties adjacent to the Naval Air Station, Boca Chica, also known as NAS Key West, shall be developed in accordance with the map prepared by the U.S. Navy or as updated by the U.S. Navy. This map was prepared in conjunction with the United States Navy's Air Installation Compatible Use Zone Study (AICUZ). The subject property is not within the existing or proposed AICUZ and is therefore not affected by the restrictions of Section 9.5-260.

### ***Use Compatibility***

The residential and commercial use of the property is consistent with the surrounding area.

### **Effects on Natural Resources:**

Based on the current level of development on these parcels staff believes there will be no increased negative impact on the areas natural resources.

**Effects on Public Facilities: Objective 101.11** of the 2010 Plan requires the County to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed zoning change will not affect Objective 101.11.

### ***Local Traffic and Parking***

The proposed rezoning will have no impact on the existing conditions. Roads are already in place and have been well maintained.

### ***Traffic Circulation***

As an existing development with no proposed changes there will not be any impacts to traffic circulation.

### ***Solid Waste***

As an existing development with no proposed changes there will not be any impact to solid waste.

### ***Potable Water***

The Florida Keys Aqueduct Authority's existing consumptive use permit authorizes the withdrawal of sufficient quantities to meet the demand anticipated for 2001. Monroe County's Public Facilities Capacity Assessment indicates that there are over 100 gallons of water available per person per day. The 100 gallons per person per day standard is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the Year 2010 Comprehensive.

### ***Stormwater***

No increase in stormwater runoff will result from this zoning change. **Section 9.5-293** of the Land Development Regulations requires that all developments retain stormwater on site following Best Management Practices (BMP's).

### **Effects on Redevelopment/Infill Potential:**

According to the applicant, the rezoning is necessary to bring the property into compliance and permit future development and redevelopment of the property; for example, in the case of damage or destruction of the property after a disaster.

## **FINDINGS OF FACT**

1. **Section 9.5-511(d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d)(5) b.(v) of the MCC). The application was initiated by the applicant's agent in order to rezone the subject property to a land use district that represents the historic use of the property and corresponds with the FLUM designation.
3. Pre-1986 zoning of the subject property was **Medium Commercial (BU2F)**. The BU2 District was intended to provide areas suitably situated for centers of commercial activity, area retail sales, sale of fuels, mechanical services, wholesaling, warehousing and storage; the "F" designation delineates the use of beer and wine.
4. During the 1986 Comprehensive Plan process, the land use (zoning) district designation of the subject property was changed to **Urban Residential Mobile Home**.
5. **Section 9.5-205** states that the purpose of the Urban Residential Mobile Home District (URM) is to establish mobile home parks and subdivisions, but not to create new such areas, and to provide such areas to serve as a reservoir of affordable and moderate-cost housing in Monroe County.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that areas around the subject property were zoned a mix of Urban Residential Mobile Home and Mixed Use; the area received a FLUM designation of **Mixed Use/Commercial (MC)**.
7. Based on **Policy 101.4.5** of the Comprehensive Plan, the principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office uses may be permitted at intensities which are consistent with the community character and the natural environment. This land use category is also intended to allow the establishment of mixed-use development patterns, where appropriate.
8. The Mixed Use/Commercial (MC) FLUM category corresponds with the requested Mixed Use designation.
9. Based on the documented evidences there are 19 Dwelling Units and 7,937 square feet of lawful commercial floor area. There are potentially 11 more Dwelling Units for RE# 00124350.000000.
10. **Objective 101.11** of Comprehensive Plan states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.

11. The **2004 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
12. **Goal 102** of the Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. The proposed map amendment proposes no additional density or intensity on the site and no expansion of the development into the environmentally sensitive lands.
13. The site is not affected by existing or proposed AICUZ Overlay.
14. Based on **Chapter 380.031** of the Florida Statutes, the definition of "Development Permit" includes zoning permit and rezoning. Therefore, a zoning change should support and implement the Land Development Regulations.
15. Based on **Chapters 163.3201** and **163.3201** of the Florida Statutes, Land development regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
16. Based on **Chapter 163.3213 2 (b)** "Land development regulation" means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning the development of land. This term shall include a general zoning code, **but shall not include a zoning map, an action which results in zoning or rezoning of land....**
17. Based on **Chapter 163.3177(6)(a)** of the Florida Statutes, Future Land Use Map illustrate the proposed distribution, location, and extent of various categories of land use in a future land use plan. The Future land use plan is just one of the several elements of comprehensive plan. It designates proposed future **general** distribution, location, and extent of the uses of land for different type of uses.
18. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
19. The community character of the neighborhood is mixed use. There is a mix of residential and commercial uses in the area with corresponding Land Use Districts of Mixed Use (MU) and Urban Residential Mobile Home (URM).

## **CONCLUSIONS OF LAW**

1. The Future Land Use Map is just one of the elements of the Year 2010 Comprehensive Plan which shows only the proposed future **general** distribution, location, and extent of the uses of land for different type of uses.

2. Determination of granting a development permit (including rezoning) is based on the consistency of the proposal with applicable Land Development Regulations and the overall intent of the Comprehensive Plan.
3. The site is not located in either the adopted or proposed AICUZ map which represents accident potentials and modest noise from the air traffic of the Naval Air Station in Boca Chica.
4. Based on the Finding of Facts presented, the proposed land use designation is appropriate for this property. In the process of determining appropriate land use designations for the site, the Findings of Fact and Conclusions of Law shall be used to guide the Staff.

### **RECOMMENDATION**

Based on the Findings of Fact and Conclusions of Law, the Staff and the Planning Commission recommends **APPROVAL** to the Board of County Commissioners of the proposed Official Land Use District Map amendment from Urban Residential Mobile Home District (URM) to Mixed Use (MU).

**DRAFT PLANNING COMMISSION RESOLUTION # P -05**

RESOLUTION NO. P-05

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** THE REQUEST BY R&S OF KEY WEST, INC. FOR A LAND USE DESIGNATION AMENDMENT FROM URBAN RESEDENTIAL MOBILE HOME (URM) TO MIXED USE (MU)

---

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on May 11, 2005, conducted a review and consideration of the request filed by R&S of Key West, Inc. to amend the zoning map from Urban Residential Mobile Home (URM) to Mixed Use (MU) land use district for the property known as the Gomez Trailer Park. The subject property is located at Stock Island, in Section 35, Township 67, and Range 25, Monroe County, Florida, having the Real Estate identification numbers 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, and 00124530.000000; and

**WHEREAS**, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

**WHEREAS**, after further review of the application and consideration of facts, the staff recommended approval as indicated in the Staff Report dated April 17, 2005; and

18. **Section 9.5-511(d)(5)b** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
19. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d)(5)b.(v) of the Monroe County Code). The application was initiated by the applicant's agent in order to rezone the subject property to a land use district that represents the historic use of the property and corresponds with the Future Land Use Map designation.
20. Pre-1986 zoning of the subject properties was **Medium Commercial (BU-2F)**.
21. During the 1986 Comprehensive Plan process, the land use (zoning) district of the subject properties was changed to **Urban Residential Mobile Home (URM)** pursuant to Ordinance 33-1986 dated February 28, 1986.
22. **Section 9.5-219 states that the purpose of the Mixed Use District (MU)** is to establish or conserve areas of mixed uses including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these areas representative of the character, economy and cultural history of the Florida Keys.
23. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that areas around the Gomez Trailer Park received a Future Land Use Map (FLUM) designation of **Mixed Use Commercial (MC)**, not consistent with their current land use designation.

However, the proposed land used designation of Mixed Use (MU) would be consistent with the FLUM designation.

24. Based on **Policy 101.4.5** of the Comprehensive Plan, the principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office uses may be permitted at intensities which are consistent with the community character and the natural environment. This land use category is also intended to allow the establishment of mixed-use development patterns, where appropriate.
25. The Mixed Use Commercial (MC) Future Land Use category corresponds with the proposed Mixed Use (MU) land use district.
26. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
27. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
28. The **2004 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
29. The proposed map amendment supports **Goal 102** as it proposes no additional density or intensity on the site. There will be no additional impact on environmentally sensitive lands.
30. The site is not located under the flight path of the Boca Chica Naval Air Station and not affected by the current or proposed AICUZ Overlay.
31. Based on **Chapter 380.031** of the Florida Statutes, the definition of "Development Permit" includes zoning permit and rezoning. Therefore, a zoning change should support and implement the Land Development Regulations.
32. Based on **Chapters 163.3201** and **163.3201** of the Florida Statutes, Land Development Regulations shall be in compliance with and implement the adopted local Comprehensive Plan.
33. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
34. The community character of the neighborhood is primarily Mixed Use (MU) designated properties. Some of the residential properties are Urban Residential Mobile Home with a mixture of mobile homes and RV's. The Land Use Map designations for the surrounding area include Natural Area (NA) adjoining on the South end of the property, MU to the East and North, and MU and NA to West.

**WHEREAS**, the Planning Commission made the following **Conclusions of Law**:

1. The Future Land Use Map is just one of the elements of the Year 2010 Comprehensive Plan which shows only the proposed future **general** distribution, location, and extent of the uses of land for different type of uses.
2. Rezoning of a property on the basis of corresponding with the Future Land Use Map of the Comprehensive Plan is not warranted.
3. The proposed map amendment meets the requirements outlined in Section 9.5-511(d)(5)b.(v) and Section 9.5-219 of the Monroe County Land Development Regulations and will not negatively impact or alter the character of the subject property or the neighborhood.
4. The proposed map amendment supports Objective 101.11 of the Monroe County Year 2010 Comprehensive Plan based on the findings of the 2004 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater. There are no significant concerns regarding impacts on public facilities.
5. There are no additional impacts on environmentally sensitive lands as a result of the proposed map amendment.
6. The applicant has sufficiently proven that the requested map amendment would be consistent with the overall intent of the Year 2010 Comprehensive Plan.
7. The proposed map amendment does meet the requirements outlined in Section 9.5-511 of the Land Development Regulations and will not negatively impact and alter the character of the surrounding community.
8. The site is not located in the adopted or proposed AICUZ Overlay.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding Findings of Fact and Conclusions of Law support the decision to **APPROVE** the request of R&S of Key West, Inc., for a land use designation amendment from Urban Residential Mobile Home (URM) to Mixed Use (MU) of property described as Maloney Subdivision, PB 1-55 Section 35, Township 67, Range 25, Stock Island, Monroe County, Florida, Mile Marker 5.

**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 11th day of May, 2005.

Chair Mapes	____ YES ____
Vice-Chair Werling	____ YES ____
Commissioner Margolli	____ YES ____
Commissioner Cameron	____ YES ____
Commissioner Wall	____ YES ____

PLANNING COMMISSION OF  
MONROE COUNTY, FLORIDA

*BY* \_\_\_\_\_  
Lynn Mapes, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005

**DEVELOPMENT REVIEW COMMITTEE RESOLUTION #D -05**

RESOLUTION NO. D-05

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING **APPROVAL** TO THE PLANNING COMMISSION OF THE REQUEST BY R&S OF KEY WEST, INC. TO AMEND THE LAND USE DISTRICT (ZONING) MAP FROM URBAN RESEDENTIAL MOBILE HOME (URM) TO MIXED USE (MU) FOR THE PROPERTY DESCRIBED AS PART OF MALONEY SUBDIVISION PB1-55, lots 1,2,3,9,12,13-16, 19, 20, SECTION 35, TOWNSHIP 67, RANGE 25, STOCK ISLAND, FLORIDA, HAVING REAL ESTATE NUMBERS: 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, AND 00124530.000000 AT APPROXIMATE MILE MARKER 5, MONROE COUNTY, FLORIDA.

---

**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on March 24, 2005, conducted a review and consideration of the request filed by R&S of Key West, Inc. to amend the zoning map from Urban Residential Mobile Home (URM) to Mixed Use (MU) land use district for the property known as the Gomez Trailer Park. The subject property is legally described as, PB 1-55, lots 1,2,3,9,12,13-16, 19, 20, SECTION 35, TOWNSHIP 67, RANGE 25, STOCK ISLAND, FLORIDA, HAVING REAL ESTATE NUMBERS: 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, AND 00124530.000000 AT APPROXIMATE MILE MARKER 5; and

**WHEREAS**, the Development Review Committee examined the following information:

1. The application from R&S of Key West, Inc. to change the Land Use District (zoning) map from Urban Residential Mobile Home (URM) to Mixed Use (MU); and
2. The staff report prepared by Tom Williams, Senior Planner and Andrew Trivette, Senior Biologist, April 1, 2005; and

**WHEREAS**, the Development Review Committee made the following **Findings of Fact**:

3. **Section 9.5-511(d)(5)b** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
4. This map amendment recognizes a need for comprehensiveness in planning (Section 9.5-511(d)(5)b.(v) of the Monroe County Code). The application was initiated by the applicant's agent in order to rezone the subject property to a land use district that represents the historic use of the property and corresponds with the Future Land Use Map designation.
5. Pre-1986 zoning of the subject properties was **Medium Commercial (BU-2F)**.

6. During the 1986 Comprehensive Plan process, the land use (zoning) district of the subject properties was changed to **Urban Residential Mobile Home (URM)** pursuant to Ordinance 33-1986 dated February 28, 1986.
7. **Section 9.5-219 states that the purpose of the** Mixed Use District (MU) is to establish or conserve areas of mixed uses, including commercial fishing ,resorts, residential, institutional and commercial uses, and preserve these areas representative of the character, economy and cultural history of the Florida Keys.
8. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shows that areas around the Gomez Trailer Park received a Future Land Use Map (FLUM) designation of **Mixed Use Commercial (MC)**, not consistent with their current land use designation. However, the proposed land used designation of Mixed Use (MU) would be consistent with the FLUM designation.
9. Based on **Policy 101.4.5** of the Comprehensive Plan, the principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office uses may be permitted at intensities which are consistent with the community character and the natural environment. This land use category is also intended to allow the establishment of mixed-use development patterns, where appropriate.
10. The Mixed Use Commercial (MC) Future Land Use category corresponds with the proposed Mixed Use (MU) land use district.
11. **Section 9.5-511** prohibits any map amendments that would negatively impact community character.
12. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
13. The **2004 Public Facilities Capacity Assessment Report** and the listed programs on stormwater and wastewater indicate that there are no significant concerns regarding impacts on public facilities.
14. The proposed map amendment supports **Goal 102** as it proposes no additional density or intensity on the site. There will be no additional impact on environmentally sensitive lands.
15. The site is not located under the flight path of the Boca Chica Naval Air Station and not affected by the current or proposed AICUZ Overlay.
16. **WHEREAS**, the Development Review Committee made the following **Conclusions of Law**:
17. The proposed map amendment meets the requirements outlined in Section 9.5-511(d)(5)b.(v) and Section 9.5-219 of the Monroe County Land Development Regulations and will not negatively impact or alter the character of the subject property or the neighborhood.

18. The proposed map amendment supports Objective 101.11 of the Monroe County Year 2010 Comprehensive Plan based on the findings of the 2004 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater. There are no significant concerns regarding impacts on public facilities.
19. There are no additional impacts on environmentally sensitive lands as a result of the proposed map amendment.

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA,** to recommend **APPROVAL** to the Monroe County Planning Commission of the request filed by R&S of Key West, Inc. to amend the zoning map from Urban Residential Mobile Home (URM) to Mixed Use (MU) land use district for the property known as the Gomez Trailer Park. The subject property is located at Stock Island, in Section 35, Township 67, and Range 25, Monroe County, Florida, having the Real Estate identification numbers 00124350.000000, 00124430.000000, 00124460.000000, 00124470.000000, and 00124530.000000.

**PASSED AND ADOPTED** by the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 24<sup>th</sup> of March, 2005.

Aref Joulani, DRC Chair	<u>YES</u>
Andrew Trivette, Senior Biologist	<u>YES</u>
Tom Williams, Senior Planner	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY

BY \_\_\_\_\_  
Aref Joulani, DRC Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.